

REMARKS

The Final Office Action mailed on April 7, 2005 has been received and reviewed. Claims 1–10 and 17–21 are currently pending in the application. Claims 1–4, 8–10 and 17 stand rejected and claims 5–7 and 18–20 have been objected to as being dependent on a rejected base claim. The indication of allowable subject matter in claims 5–7 and 18–20 is noted with appreciation. No proposed claim amendments have been provided herein. Reconsideration of the above-referenced application is respectfully requested in view of the following remarks.

Informalities

The abstract of the disclosure has been objected to in the Office Action because the abstract of the disclosure contained phrases which can be implied. *See, Office Action* at p. 2, ¶ 1. Applicant has proposed to amend the specification to replace the abstract with the above amended abstract. Upon acceptance, it is believed that the abstract no longer contains any such phrases and that the objection has, accordingly, been obviated.

Judicially Created Double Patenting Rejection

Claims 1–4, 8–10 and 17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1–4, 17 and 18 of U.S. Patent No. 6,729,786. In order to avoid further expense and time delay, Applicant elects to expedite the prosecution of the present application by filing a terminal disclaimer to obviate the double patenting rejection in compliance with 37 C.F.R. §1.321 (b) and (c). Applicant's filing of the terminal disclaimer should not be construed as acquiescence of the Examiner's obviousness-type double patenting rejection. Attached is the terminal disclaimer and accompanying fee (37 C.F.R. § 1.20(d)).

Each of claims 1–4, 8–10 and 17 is believed to be in condition for allowance and such favorable action is respectfully requested.

Allowable Subject Matter


Claims 5–7 and 18–20 have been objected to as being dependent upon a rejected base claim. However, it is indicated that claims 5–7 and 18–20 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. *See, Office Action* at p. 2, ¶ 3. Applicant notes the indication of allowable subject matter with appreciation. However, each of claims 5–7 and 18–20 depends either directly or indirectly from one of claims 1 and 17 which, as indicated above, are believed to be in condition for allowance. As such, it has not been proposed that claims 5–7 and 18–20 be amended herein.

CONCLUSION

For the reasons stated above, claims 1-10 and 17-20 are believed to be in condition for allowance and an early notice thereof is respectfully solicited. Should it be determined that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicant's undersigned attorney.

A fee associated with the filing of the terminal disclaimer under 37 C.F.R. §1.20(d) is attached. It is believed that no additional fee is due in conjunction with the present amendment. However, if this belief is in error, the Commissioner is hereby authorized to charge any additional amount required (or to credit any overpayment) to Deposit Account No. 19-2112.

Respectfully submitted,



Tawni L. Wilhelm
Reg. No. 47,456

TLW/nlm
Enclosure

SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550
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